

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8th day of April 2009, at 8:00 P.M., and there were

PRESENT: DARLENE HUMPHREY, MEMBER
 JAMES PERRY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: ROBERT THILL, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 NICHOLAS LOCICERO, DEPUTY TOWN ATTORNEY
 GEORGE PEASE, ASST. CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF RUSSELL SALVATORE LLC

THE CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Russell Salvatore LLC, 6669 Transit Road, Lancaster, New York 14086 for four [4] variances for the purpose of constructing a retail plaza on property owned by the petitioner at 6669 Transit Road, Lancaster, New York, to wit:

- A.

A variance from the requirements of Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster. The proposed structure will result in a front yard set back from Transit Road of thirty [30] feet.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a sixty [60] foot front yard set back from Transit Road. The petitioner, therefore, requests a thirty [30] foot front yard set back variance.
- B.

A variance from the requirements of Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster. The proposed landscaping is ten [10] feet wide beginning from the exterior lot line along Freeman Road.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a width of twenty-five [25] feet of landscaping along Freeman Road. The petitioner, therefore, requests a fifteen [15] foot wide landscaping variance along Freeman Road.
- C.

A variance from the requirements of Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster. The proposed structure will result in a front yard set back from Freeman Road Extension of fifty-seven [57] feet.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a sixty [60] foot front yard set back from Freeman Road Extension. The petitioner, therefore, requests a three [3] foot front yard set back variance.
- D.

A variance from the requirements of Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster. The proposed landscaping is ten [10] feet wide beginning from the exterior lot line along Freeman Road Extension.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a width of twenty-five [25] feet of landscaping along Freeman Road Extension. The petitioner, therefore, requests a fifteen [15] foot wide landscaping variance along Freeman Road Extension.

The Clerk presented and entered into evidence the following items:

- Duly executed petition of the applicant with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioner of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.
- Copy of a letter notifying the Town of Amherst of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

- Daryl Martin, Architect
Designated representative of petitioner

Proponent
- Robert J. Bavisotto, Owner, Tim Horton's
He expressed that he initially had concerns
that the petitioner intends to mitigate.

Proponent

IN THE MATTER OF THE PETITION OF RUSSELL SALVATORE LLC

THE FOLLOWING MOTION WAS OFFERED
BY MRS. HUMPHREY , WHO MOVED ITS
ADOPTION, SECONDED BY MR. PIGNATARO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Russell Salvatore LLC and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of April 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

WHEREAS, the petitioner will amend his variance request by eliminating the need for one [1] setback variance and by increasing the amount of variance necessary for a second setback variance.

NOW, THEREFORE, BE IT

RESOLVED that this hearing be adjourned to allow further testimony and evidence to be presented upon the amended petition.

The motion to adjourn this hearing to review the amended petition was duly adopted.

MS. HUMPHREY	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. QUINN	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	WAS ABSENT
MR. LEHRBACH	VOTED	YES

April 8, 2010

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned at 8:35 P.M.

Signed _____

Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals

Dated: April 8, 2010

